



## Agenda Item 13

DATE: February 24, 2015  
TO: Board of Supervisors  
FROM: Beth Bandy, Director of Personnel Services Beth Bandy  
SUBJECT: Service Employees' International Union – Local 521's Appeal of the County's Interpretation of the Employee Relations Ordinance

### RECOMMENDED ACTIONS:

Hear and consider an appeal from Service Employees' International Union (SEIU) – Local 521 regarding their "challenging petition" submitted in response to the Representation Unit 2 (Sheriff's and Probation Personnel) decertification/certification petition filed by the Fresno County Public Safety Association (FCPSA) to determine if the County's interpretation of the Fresno County Ordinance Code, Chapter 3.12 - Employee Relations Ordinance (ERO) is appropriate.

Pursuant to ERO Section 3.12.480, administrative interpretations of the ERO are subject to appeal to the Board of Supervisors. On January 30, 2015, SEIU submitted an appeal to your Board (Exhibit No. 1) regarding the County's interpretation of the ERO (Exhibit No. 2). While the ERO provides for the appeal to your Board, it does not provide any procedures for such an appeal. Therefore, it is recommended that your Board provide SEIU with the opportunity to present its position, and staff the opportunity to explain the basis of their administrative interpretation and established rules and procedures.

### ALTERNATIVE ACTION(s):

Upon hearing and considering SEIU's appeal, your Board can either deny or uphold SEIU's appeal, in whole or in part. The specific administrative interpretation matters being appealed by SEIU are included in the Discussion Section of this item.

### FISCAL IMPACT:

There is no cost associated directly with this item. From a fiscal standpoint, the County is responsible for the cost of any decertification/certification election and/or unit determination hearing before the Civil Service Commission.

ADMINISTRATIVE OFFICE REVIEW \_\_\_\_\_

Smile

Page 1 of 47



Official Action of  
Board of Supervisors  
[Signature]  
Deputy

DENIED APPEAL

UNANIMOUS \_\_\_\_\_ BORGEAS Abstained MENDES Aye PACHECO Aye PEREA Aye POOCHIGIAN Aye

DISCUSSION:

The Fresno County Employee Relations Ordinance (ERO; Exhibit No. 3) governs employee representation unit determination matters in Fresno County consistent with the Meyers-Milias-Brown Act (California Government Code §3500 – 3511). The Director of Personnel Services is the designee of the County Administrative Officer (CAO) and is authorized to administer and interpret the ERO. Pursuant to Section 3.12.480, Administrative interpretations of the ERO made by the CAO (or his designee) are subject to appeal to the Board of Supervisors. In this specific case involving Unit 2, the CAO has recused himself from any administrative interpretation or direction, and has designated the Director of Personnel Services to act in this administrative capacity.

Pursuant to the ERO, members of a certified representation group can request to decertify their current representative and certify another employee organization as their representative, providing they submit valid signatures from 30% of the employees within the representation unit. Once signatures are validated by staff, the notice of intent to decertify/certify is sent to all registered and certified employee organizations and is posted for 30 days where employees represented by the unit have access. During the 30 day posting period, other registered organizations can request to be placed on the ballot providing they submit proof of employee approval of at least 10% of the employees in the representation unit. However, the certified group that represents the unit at the time of decertification does not need to provide proof of employee approval, and is automatically included on the ballot. At the end of the posting period, the State Mediation and Conciliation Services is contacted to conduct an election in which all members of the unit have the right to vote for whichever organization they wish to represent them, as listed on the election ballot (or they can choose no organization to represent them).

On December 8, 2014, a petition was filed by the registered employee organization FCPSA to decertify SEIU as the exclusive representative of Unit 2, and certify FCPSA as the exclusive representative. Unit 2 primarily includes Correctional Officers, Juvenile Correctional Officers, Security Officers and Child Support Officers. The submitted petition also included proof of employee approval from over 30% of the employees within Unit 2. The employee signatures contained on the petition were validated by staff by comparing them to signatures on documents within each employee's personnel file. After the signatures were verified, a notice of FCPSA's intent to decertify SEIU and certify FCPSA as the exclusive representative for Unit 2, was posted on December 23, 2014 (Exhibit No. 4) to inform the affected employees of the decertification/certification petition, and to invite any interested registered or certified organization to submit proof of employee support if they wanted to be included on the ballot. As the certified representative for Unit 2, SEIU was not required to provide any proof of employee support as they would be included on the election ballot; this was specified on the posting notice.

The only response received from the posting notice was from SEIU, which submitted what it referred to as a "Challenging Petition in Response to Decertification Petition" (Exhibit No. 5), along with copies of employee authorization cards that had been signed in the past by employees in Unit 2 (Exhibit No. 6 - contains samples of redacted authorization cards that SEIU submitted). In their letter, SEIU stated that they wanted to modify Unit 2 to separate out the Correctional Officer series and Process Servers into a new representation unit that would also be represented by SEIU. Further, they alleged that Unit 2 is no longer an "appropriate" unit because they believe that Sheriff's Office employees should be entitled to a bargaining unit of their own.

SEIU's "challenge" was reviewed by the Director of Personnel Services, in consultation with the County Counsel's Office, and it was determined that SEIU's "Challenging Petition" could not be processed because the ERO does not provide for challenges to the decertification/certification

process. SEIU was advised of the County's interpretation (Exhibit 2). SEIU will be listed on the election ballot and Unit 2 members will be allowed the opportunity to determine who their exclusive representative will be: SEIU, FCPSA, or no organization.

A unit modification (a process also included in the ERO) differs from a decertification in that only part of a representation unit is affected. Typically the intent is to break out some of the classifications of the unit into smaller/different representation units. Pursuant to the ERO, petitions for unit modification must also include proof of employee approval of at least 30% of the employees in classifications to be affected by the modification. The ERO also lists factors to be considered when determining if modifying a representation unit is appropriate, with the principle criterion being that the requested representation unit shall be the largest feasible group of employees having an identifiable community of interest. The petition to modify a representation unit is then considered and decided by the Civil Service Commission (unlike a decertification which involves state oversight and is decided by an election rather than the Civil Service Commission). For example, in 2012, the Correctional Officers petitioned to be removed from Unit 2 and to create their own representation unit. SEIU challenged the appropriateness of the requested representation unit and, after a hearing, the Civil Service Commission found that Unit 2, as presently composed, was an appropriate unit and denied the petition.

While SEIU can certainly request to modify Unit 2, the unit modification process is independent of the decertification process and any unit modification petition does not render the unit inappropriate or stop the decertification process. Additionally, such petitions must include proof of employee support from at least 30% of the employees in the proposed unit (in this case, Correctional Officers and Process Servers). SEIU stated in its letter (Exhibit No. 5) that it was fulfilling this requirement by submitting signed and dated employee authorization cards. While ERO Section 3.12.250(B) does permit a union to use employee authorization cards as "proof of employee approval," this section refers to certification petitions and it further states that "no petition or authorization card may be used as proof of employee approval unless it specifically provides that the intent of the signer is to secure certification of the organization named therein."

It is staff's interpretation that while the ERO allows employee authorization cards to be used in support of a decertification or certification petition, it does not allow the utilization of these cards without the intent of the signer acknowledging that they are in support of the modification to the unit. None of the cards submitted by SEIU identified that the intent of the signer was to request a modification to Unit 2 and create a new representation unit consisting of Correctional Officers and Process Servers. It is unclear whether the employees whose names and signatures are contained within the employee authorization cards provided by SEIU were aware of the intent, or supported the request to modify Unit 2. Furthermore, the cards SEIU provided were dated as far back as 2002. Based on these facts, staff determined that the documents submitted by SEIU did not evidence support of any proposed modification to Unit 2, and notified SEIU accordingly (Exhibit 2).

This determination does not preclude SEIU from submitting a valid petition for a unit modification and/or establishment of a new unit at a future date, which would be processed in accordance with the ERO. Finally, it is staff's interpretation that a petition to modify a unit would not stop a decertification petition; rather, a unit modification would take its own independent course.

It is important to note that the determination made by the County is not a substantive determination on the issue of whether the unit modification proposed by SEIU would be appropriate or not. On that issue, Personnel Services has taken no position. The determination by Personnel Services is solely related to whether, as a procedural matter, SEIU has submitted a valid petition for a unit

modification. The Personnel Services Department continues to remain neutral in regards to employee representation matters.

On January 30, 2015, SEIU submitted an appeal to your Board (Exhibit No. 1) regarding the County's interpretation of the ERO (Exhibit No. 2). While the ERO provides for the appeal to your Board, it does not provide any procedures for such an appeal. Therefore, it is recommended that your Board provide SEIU with the opportunity to present its position and staff the opportunity to explain the basis of their administrative interpretation and established rules and procedures.

If your Board denies SEIU's appeal and determines that staff's administrative interpretation of the ERO is correct, the County will continue to work with State Mediation and Conciliation Services regarding arranging for a decertification/certification election. In addition, SEIU remains able to submit a valid petition for a unit modification in compliance with the ERO, which would ultimately be considered by the Civil Service Commission.

If your Board upholds SEIU's appeal, relative to the signed employee authorization cards submitted by SEIU as being sufficient to support SEIU's request for a modification of a representation unit and establishment of a new representation unit, then the procedures under the ERO would be followed regarding the requested unit modification and establishment of a new unit. However, unless your Board also determines that a challenge to the appropriateness of a representation unit is sufficient to prevent and/or delay a decertification/certification election, the County will continue to work with State Mediation and Conciliation Services regarding arranging for a decertification/certification election.

Exhibit No. 7 provides an overview of the unit determination procedures followed in processing unit modification and/or establishment of a new representation unit requests pursuant to the ERO. Exhibit No. 8 provides an overview of the procedures followed in a request for decertification/certification of an established unit pursuant to the ERO. The two processes are separate and distinct; one action does not affect the other.

#### REFERENCE MATERIAL:

- Exhibit 1: Appeal by SEIU submitted to Board of Supervisors dated 1/30/15
- Exhibit 2: County response to SEIU "challenge" dated 1/26/15
- Exhibit 3: Fresno County Employee Relations Ordinance (Chapter 3.12)
- Exhibit 4: County Notice regarding FCPSA Decertification/Certification Petition dated 12/23/14
- Exhibit 5: "Challenging petition" submitted by SEIU dated 1/20/15
- Exhibit 6: Copies of (redacted) authorization card samples submitted by SEIU with "challenge"
- Exhibit 7: Overview of Unit Determination procedures pursuant to ERO
- Exhibit 8: Overview of Decertification/Certification procedures pursuant to ERO

# EXHIBIT 1

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY E. HINKLE  
JAMES J. WESSER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOIGUES \*\*\*  
KERRIANNE R. STEELE \*\*  
GARY P. PROVENCHER  
EZEKIEL D. CARDER \*\*\*\*  
MONICA T. GUJAR  
SHARON A. SEIDENSTEIN  
LISL R. DUNCAN

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ROBERT E. SZYKOWNY  
MICHAEL D. BURSTEIN  
NANCY C. HANNA  
MINSU D. LONGIARU \*\*\*\*\*

VINCENT A. HARRINGTON, Of Counsel  
PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel

• Admitted in Hawaii  
\*\* Also admitted in Nevada  
\*\*\* Also admitted in Illinois  
\*\*\*\* Also admitted in New York  
\*\*\*\*\* Also admitted in New York and Michigan

January 30, 2015

**VIA EMAIL AND OVERNIGHT MAIL – ORIGINAL AND 8 COPIES**

Board of Supervisors  
c/o Bernice Siedel, Clerk  
County of Fresno  
2281 Tulare Street, #301  
Hall of Records  
Fresno, CA 93721-2198  
Email: Clerk/BOS@co.fresno.ca.us

**Re: Service Employees International Union, Local 521  
County of Fresno  
Appeal Pursuant to County of Fresno Employee Relations Ordinance Section 3.12.480**

Dear Esteemed Board Members:

We represent the Service Employees International Union, Local 521 (“SEIU Local 521”), which is the exclusive representative of thousands of County of Fresno employees, including employees in bargaining unit 2.

This letter constitutes SEIU Local 521’s appeal from the January 26, 2015 determination of the County of Fresno Department of Personnel Services (the designee of the County Administrative Officer) that SEIU Local 521 had no right to file a challenging petition in response to the Fresno County Public Safety Association’s (“FCPSA”) decertification/certification petition, and that the proof of employee approval SEIU Local 521 included with its challenging petition was invalid.

The County Administrative Officer’s designee (“County”) has erroneously interpreted the Employee Relations Ordinance.

First, SEIU Local 521 indeed has a right to file a challenging petition in response to *any* representation petition. FCPSA seeks not only to decertify SEIU Local 521 as the exclusive representative, but also to replace it. The FCPSA petition is therefore both a decertification and a certification petition. A certification election must occur in an “appropriate” unit.<sup>1</sup> (See the “appropriateness” standard embodied in Rules 3.12.030(A), 3.12.180, 3.12.210, 3.12.230.) The basis for SEIU Local 521’s challenging petition is that the existing bargaining unit 2, as currently comprised, is no longer “appropriate.”

<sup>1</sup> Nothing in the Employee Relations Ordinance states that the decertification/certification election must occur in an “established” unit only.

The County's interpretation that rules titled "Representation Unit" do not apply to this scenario is particularly ironic given that the County posted for thirty (30) days a notice of the filing of a decertification/certification petition under section 3.12.200, a rule that is also titled "Representation Unit." (Attachment A to this appeal.) SEIU Local 521's challenging petition was filed under Section 3.12.210. (Attachment B to this appeal.) Section 3.12.210 references and relates back to the immediately preceding rule – Section 3.12.200 – under which the County posted notice of FCPSA's petition.

Second, the County erred in concluding that the proof of employee approval underlying SEIU Local 521's challenging petition was invalid. "Proof of employee approval" is defined in Section 3.12.250(B) as:

Proof of employee approval means that the employee organization submitting a petition to the county management representative has demonstrated proof of approval by the employees whom it claims to represent by means of any one or any combination of the following:

1. Signed and dated signatures on a petition;
2. Signed and dated employee authorization cards;

provided, however, that no petition or authorization card may be used as proof of employee approval unless it specifically provides that the intent of the signer is to secure certification for the organization named therein. For purposes of subdivision 1 of this subsection, only signatures of employees whose signatures have been executed within sixty calendar days prior to the date the petition for certification is filed shall be accepted as proof of employee approval.

SEIU Local 521's proof of employee approval met the description in Section 3.12.250(B)(2) – signed and dated employee authorization cards. Section 3.12.250(B)(2) does not require that the employee authorization cards include a particular message or bear a certain date. The signed and dated employee authorization cards that SEIU Local 521 included with its challenging petition evidence that employees are members of SEIU Local 521. SEIU Local 521 is empowered to initiate a unit modification petition on behalf of its members.

The County misapplied its rules, thereby impermissibly forfeiting SEIU Local 521's right to initiate a unit modification petition. The County's rejection of SEIU Local 521's challenging petition violates not only the Employee Relations Ordinance, but also the Meyers-Milius-Brown Act ("MMBA"). The Employee Relations Ordinance states that its provisions shall not conflict with or be construed in a manner inconsistent with the MMBA. (See Rule 3.12.490.) Under the regulations implementing and interpreting the MMBA, it shall be an unfair practice for a local public agency to violate MMBA or any local rule. (PERB Regulation 32603(g).)

Board of Supervisors  
January 30, 2015  
Page 3

We request a hearing before the Board of Supervisors regarding this appeal. **No election can take place during the pendency of this appeal.** Thank you in advance for your consideration of this important matter.

Sincerely,

  
Kerianne R. Steele

KRS:sm

opeiu 3 afl-cio(1)

Enclosures: A: County Notice of Filing of Decertification/Certification Petition  
B: SEIU Local 521 Challenging Petition (w/o proof of employee approval)  
C: County's Rejection of SEIU Local 521's Challenging Petition

cc: Carlos Cortes  
Beth Bandy  
Catherine Basham

137825/796407



# Exhibit A



# County of Fresno

DEPARTMENT OF PERSONNEL SERVICES

BETH BANDY  
DIRECTOR

DATE: December 23, 2014

TO: Impacted Department Heads  
All Registered and Certified Organizations

FROM: Carlos Cortes, Personnel Services Manager

SUBJECT: Petition for Decertification/Certification – Representation Unit 2

A valid petition has been filed by the Fresno County Public Safety Association (FCPSA) requesting the decertification of SEIU – Local 521 as the exclusive representative for Representation Unit 2 – Sheriff's and Probation Personnel. Additionally, FCPSA is requesting that it be certified as the exclusive representative for Unit 2. The following job classifications are included in this unit:

- Child Support Assistant
- Child Support Officer I/II/III/Senior
- Collections Officer
- Correctional Officer I/II/III/IV/Trainee
- Investigative Technician
- Juvenile Correctional Officer I/II/Senior
- Probation Technician I/II
- Process Server
- Program Technician I/II
- Security Officer I/II

In accordance with the Employee Relations Ordinance, department heads are required to post, until January 22, 2015, copies of this memorandum in places where employees represented by Unit 2 have access.

Additionally, any registered or certified organization wishing to be placed on the election ballot for the purpose of determining the exclusive representative for Unit 2 must submit a petition to Labor Relations accompanied by proof of employee approval (i.e. at least 10% of the employees in Unit 2) by Thursday, January 22, 2015. SEIU – Local 521, as the current certified representative, will be on any election ballot that may result from FCPSA's petition for decertification/certification.

If anyone has questions regarding this notice, please contact me at 600-1840.

cc: Beth Bandy, Director of Personnel Services

2220 Tulare Street 16<sup>th</sup> Floor, Fresno, California 93721  
FAX (559) 455-4791 [www.co.fresno.ca.us](http://www.co.fresno.ca.us)

Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer

# Exhibit B

STEWART WEINBERG  
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BLYTHE MICKELSON  
BARRY E. HINKLE  
CHRISTIAN L. RAISNER  
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VINCENT A. HARRINGTON, Of Counsel  
PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel

\* Admitted in Hawaii  
\*\* Also admitted in Nevada  
\*\*\* Also admitted in Illinois  
\*\*\*\* Also admitted in New York

January 20, 2015

**VIA EMAIL AND OVERNIGHT MAIL**

Mr. Carlos Cortes  
Personnel Services Manager  
Labor Relations  
County of Fresno  
2220 Tulare Street, 16th Floor  
Fresno, CA 93721

Mr. John Navarrette – *without enclosures*  
County Administrative Officer  
County Administrative Office  
County of Fresno  
2281 Tulare, Suite 304  
Fresno, CA 93721

**Re: Service Employees International Union, Local 521  
County of Fresno  
Challenging Petition in Response to Decertification Petition**

Dear Mr. Cortes and Mr. Navarrette:

As you know, we are attorneys for the Service Employees International Union, Local 521 (“SEIU Local 521”), which is the exclusive representative of employees in the County of Fresno (“County”) Bargaining Unit 2 (“Unit 2”).

We hereby submit a challenging petition on behalf of our client, in response to the Fresno County Public Safety Association’s (“FCPSA”) decertification petition. (Fresno County Ordinance section 3.12.210). SEIU Local 521 challenges the appropriateness of the representation unit the FCPSA has requested. SEIU Local 521 proposes that, instead, Unit 2 be modified to remove Sheriff’s Office employees. We believe that the Sheriff’s Office employees should be entitled to a bargaining unit of their own, comprised solely of employees from that department. In other words, we propose to place the following classifications in a new unit that is represented by SEIU Local 521:

- Correctional Officer Trainee
- Correctional Officer I
- Correctional Officer II
- Correctional Officer III
- Correctional Officer IV
- Process Server

In an abundance of caution, we have enclosed proof of employee approval of at least thirty percent (30%) of the full or part-time regular employees in the existing Unit 2, *as well as* proof of employee approval of at least thirty percent (30%) of the full or part-time regular employees in the petitioned-for unit that

Mr. Carlos Cortes and Mr. John Navarrette  
January 20, 2015  
Page 2

would be comprised solely of Sheriff's Office employees. (Rule 3.12.210's phrase "within such proposed modified unit" is susceptible to more than one interpretation. So are the phrases "in classifications to be affected by the modification" and "in the affected classifications," which appear in Fresno County Ordinance section 3.12.240.) Our proof of employee approval takes the form of signed and dated employee authorization cards. (See Fresno County Ordinance section 3.12.250(B)(2).)<sup>1</sup>

We believe that the petitioned-for unit comprised solely of Sheriff's Office employees is the largest feasible group of employees having an identifiable community of interest.

You are prohibited from sharing the enclosed proof of employee approval with FCPSA, or with any other entity.

Please contact me immediately if you have questions regarding this challenging petition. Thank you.

Sincerely,



Kerianne R. Steele

KRS:sm

opeiu 3 afl-cio(1)

Enclosures in overnight mail copy only:

Proof of Employee Approval – Correctional Officers classes and Process Servers

Proof of Employee Approval – all other Unit 2 classifications

cc: Beth Bandy, Director of Personnel Services (w/out enclosures)

Catherine Basham, Senior Deputy County Counsel (w/out enclosures)

137825/794703

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<sup>1</sup> We have redacted the employees' social security numbers.

# Exhibit C



## County of Fresno

DEPARTMENT OF PERSONNEL SERVICES

BETH BANDY  
DIRECTOR

January 26, 2015

SENT VIA: U.S. MAIL  
E-MAIL

Kerianne R. Steele  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501

**Re: Service Employees International Union (SEIU), Local 521  
County of Fresno  
Challenging Petition in Response to Decertification Petition**

Dear Ms. Steele:

This letter is in response to your "Challenging Petition in Response to Decertification Petition" letter dated January 20, 2015, and received in our office via U.S. mail on January 21, 2015.

In your letter you state that you are submitting a "challenging petition" on behalf of SEIU in response to the Unit 2 decertification petition that was submitted by the Fresno County Public Safety Association (FCPSA). Specifically, SEIU "challenges the appropriateness of the representation unit the FCPSA has requested" and "proposes" that Unit 2 be modified by removing the Process Server and Correctional Officer classification series and placing them in their own bargaining unit. In your letter you also reference Fresno County Employee Relations Ordinance (ERO) Sections 3.12.210, 3.12.240, and 3.12.250(B)(2), and your enclosed signed and dated authorization cards.

FCPSA has not requested the establishment of a new representation unit, or the modification of an existing representation unit, as their petition is for the decertification/certification of an already existing representation unit. Therefore, ERO sections 3.12.210 "Representation unit – challenges" and 3.12.240 "Modification of representation units" do not apply, as there has not been a petition submitted by FCPSA to establish or modify an existing representation unit.

2220 Tulare Street 16<sup>th</sup> Floor, Fresno, California 93721

FAX (559) 455-4791 [www.co.fresno.ca.us](http://www.co.fresno.ca.us)

Administration	600-1800	Employee Benefits	600-1810
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Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer

Kerianne Steele  
January 26, 2015  
Page 2

Furthermore, the ERO does not provide for a challenge of a decertification/certification petition. The ERO only allows for any other registered employee organization to appear on the ballot for the decertification/certification election. As stated in the December 23, 2014 notice, SEIU, as the current certified representative, will be on any election ballot concerning the Unit 2 decertification/certification election.

Based on the aforementioned, the County cannot process your "challenging petition" to the decertification/certification petition submitted by FCPSA as the ERO does not provide for challenges to the decertification/certification process. Therefore, we will proceed with the decertification/certification request and contact the California State Mediation and Conciliation Services in order to arrange for a secret ballot election.

Please be advised that we have also reviewed and considered your "challenging petition" in the context of a request for a unit modification/establishment of a new representation unit. In that regard, we have found that the petition submitted is insufficient as it does not provide proof that the intent of any signer (i.e. employee) is to support the modification of Representation Unit 2 and/or establishment of a new representation unit.

Sincerely,



Carlos Cortes  
Personnel Services Manager  
Labor Relations

cc: Beth Bandy, Director of Personnel Services  
Cathy Basham, Senior Deputy County Counsel

2220 Tulare Street 16<sup>th</sup> Floor, Fresno, California 93721  
FAX (559) 455-4791 [www.co.fresno.ca.us](http://www.co.fresno.ca.us)

Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer



# **EXHIBIT 2**



# County of Fresno

DEPARTMENT OF PERSONNEL SERVICES

BETH BANDY

DIRECTOR

January 26, 2015

SENT VIA: U.S. MAIL  
E-MAIL

Kerianne R. Steele  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501

**Re: Service Employees International Union (SEIU), Local 521  
County of Fresno  
Challenging Petition in Response to Decertification Petition**

Dear Ms. Steele:

This letter is in response to your "Challenging Petition in Response to Decertification Petition" letter dated January 20, 2015, and received in our office via U.S. mail on January 21, 2015.

In your letter you state that you are submitting a "challenging petition" on behalf of SEIU in response to the Unit 2 decertification petition that was submitted by the Fresno County Public Safety Association (FCPSA). Specifically, SEIU "challenges the appropriateness of the representation unit the FCPSA has requested" and "proposes" that Unit 2 be modified by removing the Process Server and Correctional Officer classification series and placing them in their own bargaining unit. In your letter you also reference Fresno County Employee Relations Ordinance (ERO) Sections 3.12.210, 3.12.240, and 3.12.250(B)(2), and your enclosed signed and dated authorization cards.

FCPSA has not requested the establishment of a new representation unit, or the modification of an existing representation unit, as their petition is for the decertification/certification of an already existing representation unit. Therefore, ERO sections 3.12.210 "Representation unit – challenges" and 3.12.240 "Modification of representation units" do not apply, as there has not been a petition submitted by FCPSA to establish or modify an existing representation unit.

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Administration  
Employment Services  
Labor Relations

600-1800  
600-1830  
600-1840

Employee Benefits  
Employment Verification  
Risk Management

600-1810  
600-1820  
600-1850

Equal Employment Opportunity Employer

Kerianne Steele  
January 26, 2015  
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Furthermore, the ERO does not provide for a challenge of a decertification/certification petition. The ERO only allows for any other registered employee organization to appear on the ballot for the decertification/certification election. As stated in the December 23, 2014 notice, SEIU, as the current certified representative, will be on any election ballot concerning the Unit 2 decertification/certification election.

Based on the aforementioned, the County cannot process your "challenging petition" to the decertification/certification petition submitted by FCPSA as the ERO does not provide for challenges to the decertification/certification process. Therefore, we will proceed with the decertification/certification request and contact the California State Mediation and Conciliation Services in order to arrange for a secret ballot election.

Please be advised that we have also reviewed and considered your "challenging petition" in the context of a request for a unit modification/establishment of a new representation unit. In that regard, we have found that the petition submitted is insufficient as it does not provide proof that the intent of any signer (i.e. employee) is to support the modification of Representation Unit 2 and/or establishment of a new representation unit.

Sincerely,



Carlos Cortes  
Personnel Services Manager  
Labor Relations

cc: Beth Bandy, Director of Personnel Services  
Cathy Basham, Senior Deputy County Counsel

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Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer

# **EXHIBIT 3**

**Chapter 3.12 - EMPLOYEE RELATIONS—GENERAL PROVISIONS****Sections:**

FOOTNOTE(S):

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**State Law reference—** For statutory provisions authorizing public employees to have unions, see Gov. Code § 3500 et seq.

**3.12.010 - Title.**

This chapter shall be known as the employee relations ordinance of Fresno County.

*(Ord. 548, § 1, 1973; prior code, § 193)*

**3.12.020 - Statement of purpose.**

It is the purpose of this chapter to establish formal policies and procedures which will provide for the orderly and systematic consideration of employee relations matters regarding wages, hours and other terms and conditions of employment between the county and its employees and their recognized employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the county government by providing a uniform basis for recognizing the right of county employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationship with the county, including but not limited to hours, wages, and other terms and conditions of employment.

*(Ord. 548, § 1, 1973; prior code, § 193.1)*

**3.12.030 - Definitions.**

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

- A. "Certified employee organization" means an employee organization or its duly authorized representative that has been certified by the employee relations commission as representing the majority of the employees in an appropriate employee representation unit.
- B. "Commission" means the Fresno County Civil Service Commission.
- C. "Confidential employee" means any employee who is privy to decisions of county management affecting employer-employee relations.
- D. "Consult" means to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- E. "County" means the county of Fresno, subdivision of the state of California and refers to the board of supervisors, the governing body of the county or any duly authorized management representative as herein defined.
- F. "County management" means the county administrative officer, department heads, employee supervisors and other representatives of management having the authority to act for the county on any matters relating to the implementation of the county's labor management relations program.

- G. "Day" means calendar day unless otherwise stated.
- H. "Employee" means any person employed by the county except elective officer.
- I. "Employee organization" means any organization which includes employees of the county which has as one of its primary purposes representation of such employees in their employment relationships with the county.
- J. "Employee relations" means the employment relationship between the county and its employees and their employee organizations.
- K. "Fact finding" means the procedure pursuant to Section 3.12.410 to determine a fact that is in dispute.
- L. "Full calendar month" means a complete calendar month and not a period of thirty days, or from a given date in any month to the same date in the succeeding month.
- M. "Impasse" means a deadlock in the meet and confer process between a certified employee organization and the county over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter.
- N. "Management personnel" means any county personnel having significant responsibilities in formulating or administering county policies and programs and includes the county administrative officer, department heads and any other employees who are so designated by the county administrative officer.
- O. "Management representative" means the county administrative officer or any person or persons designated by him to meet with representatives of certified or registered employee organizations.
- P. "Mediation" means efforts by an impartial third party or parties to assist as intermediaries through interpretation, suggestions and advice in reconciling disputes regarding wages, hours and other terms and conditions of employment between the county's management representatives and the representatives of the certified employee organization.
- Q. "Meet and confer in good faith" means the process through which the county, or such representatives as it may delegate, and representatives of certified employee organizations are mutually obligated to personally meet and confer in order to exchange freely information, opinions and proposals on matters within the scope of representation; and to endeavor to reach agreement on matters within their authority, or on a joint recommendation to the board of supervisors on matters within the board's decision making authority.
- R. "Memorandum of understanding" means a written memorandum incorporating matters on which agreement is reached in the meeting and conferring process between the county management representative and representatives of certified employee organizations. The memorandum shall be presented to the county board of supervisors for determination.
- S. "Payroll deduction" means an arrangement under which the county deducts from the salary of the employee sums of money for various purposes including employee organization dues.
- T. "Professional employee" means one whose work is predominately intellectual and varied in character, requires exercise of discretion and judgment and knowledge of an advance nature customarily required at an institution of higher learning and of such a character that the output or results accomplished cannot be standardized in relationship to a given period of time, and as defined in Section 3507.3 of the Government Code.
- U. "Proof of employee approval" shall have the meaning which is ascribed to that term in Section 3.12.250
- V. "Registered employee organization" means an employee organization which has formally registered with

the county as an employee organization that represents employees of the county in accordance with Section 3.12.160

- W. "Representation unit" means a unit composed of county employees for the purposes of employee representation and which has been established in accordance with Sections 3.12.180 to 3.12.240
- X. "Representative" means a person who is authorized and designated in writing by a certified or registered employee organization to represent the organization in dealing with the county.
- Y. "Supervisory employee" means any employee having authority to exercise independent judgment in the interest of the county to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees or having the responsibility to direct them or to adjust their grievances or to effectively recommend such action, if, in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature or requires the use of independent judgment.

*(Ord. 618, § 1, 1980; Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.2)*

### **3.12.040 - Strike or work stoppage.**

No employee or employee organization, its representatives or members shall cause, engage, or participate in, instigate or encourage a strike or work stoppage or any other concerted actions adverse to the county. Participation by an employee in a strike or work stoppage shall subject the employee to disciplinary action, up to and including removal from his position. If a recognized employee organization, its representatives, or members cause, engage in, instigate or encourage a strike or work stoppage of any kind, then, in addition to any other lawful remedies or disciplinary actions, the board of supervisors may, by written notice, suspend or revoke the recognition granted to such employee organization, may suspend or cancel any or all payroll deductions payable to such organization, may prohibit the use of facilities or may prohibit access to work or duty stations by such organizations.

*(Ord. 548, § 1, 1973; prior code, § 193.3)*

### **3.12.050 - Employee rights.**

Employees of the county shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the county also shall have the right to refuse to join or participate in the activities of employee organizations. It shall be an additional right of the employees to represent themselves individually in their employee relations with the county. Neither the county nor the employee organizations shall interfere with, intimidate, restrain, coerce or discriminate against employees because of the exercise of their rights under this section.

*(Ord. 548, § 1, 1973; prior code, § 193.4)*

### **3.12.060 - County rights.**

It is the exclusive right of the county to make all decisions of a managerial or administrative character, including, but not limited to:

- A. The nature and extent of services performed;
- B. The methods, means and personnel by which the county's operations are to be conducted;

And such other decisions as may be necessary to organize and operate the county in the most efficient manner and in the best interest of all citizens of the county. It is also the exclusive right of the county to administer the merit system and to make all decisions in directing its employees and including, but not limited to scheduling work, making

work assignments, ordering overtime, classifying positions, establishing and revising standards of employment, hiring, promoting, transferring, demoting, laying off, discharging and disciplining employees. The exercise of such rights shall not preclude employees or their representatives from meeting and conferring with management representatives about the consequences that the decisions of these matters may have on wages, hours and other terms and conditions of employment.

*(Ord. 548, § 1, 1973; prior code, § 193.5)*

### **3.12.070 - Representation.**

- A. Management personnel and confidential employees shall not represent or be represented by any employee organization, union local, association or individual that represents other than management personnel and confidential employees of the county on matters within the scope of representation.
- B. Supervising employees shall not represent nonsupervisory or subordinate supervisory employees in grievance matters.

*(Ord. 618, § 2, 1980; Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.6)*

### **3.12.160 - Registration of employee organizations.**

An organization which wishes to register as an employee organization shall submit to the county management representative a request signed by a duly authorized officer of the organization and containing the following information:

- A. Name, mailing address and local street address of the employee organization;
- B. Names and titles of its officers as well as designation of the officials authorized to act as representatives of the organization in employer-employee relation matters with the county;
- C. A certified copy of the organization's constitution and/or by-laws and, if not contained in the constitution or by-laws, a statement that the organization has as one of its purposes representation of county employees in their employer-employee relations;
- D. A statement that the organization includes employees of the county as members who have designated it to represent them in their employer-employee relations with the county. A membership list by departments and classification is required which may be verified by employee organization payroll dues deduction or by signed authorization by employees whom they represent;
- E. A statement showing the name and mailing address of each regional, state, national or international organization with which it is directly or indirectly affiliated;
- F. A statement that the organization has no restriction on membership based on race, color, creed, national origin, age or sex.

When an employee organization has complied with the requirements of this section, the county management representative shall grant registration and shall notify the organization. A copy of the notice shall be filed with the board of supervisors and the civil service commission. The employee organization is obligated to notify the county management representative of any changes to the information listed above.

*(Ord. 548, § 1, 1973; prior code, § 193.15)*

### **3.12.170 - Registered employee organization—Rights.**

Registered employee organizations may represent their members in grievance matters and, subordinate to the



rights of the certified employee organizations as set forth in Sections 3.12.320 to 3.12.380, may consult with management representatives on wages, hours and other terms and conditions of employment. County management is not, however, obligated to meet and confer or enter into memoranda of understanding with registered employee organizations which are not certified.

*(Ord. 548, § 1, 1973; prior code, § 193.16)*

### **3.12.180 - Representation units—Criteria.**

Representation units shall be formally established in the county by the commission, as hereinafter set forth. It is the policy to establish the minimum number of units consistent with good employee relations. To minimize the over-fragmentation of employee representation, the principle criterion for determining an appropriate representation unit shall be the largest feasible group of employees having an identifiable community of interest. In addition, the following criteria shall be applied in determining an appropriate representation unit:

- A. In determining which unit shall include the broadest possible group of employees who share a community of interest, the factors to be considered are:
  - 1. Common skills, job duties, training or education requirements;
  - 2. Participation in an integrated work process or continuous work flow;
  - 3. Common supervision;
  - 4. Similar working conditions.
- B. The unit shall assure employees the fullest freedom in the exercise of their rights granted under this chapter.
- C. The unit shall not adversely affect the efficient operation of the county services and sound employer-employee relations.
- D. The history of employer-employee relations in the proposed unit and the county shall be considered.
- E. Professional employees shall not be denied the right to be represented separately from nonprofessional employees.
- F. Management, confidential and supervisory employees shall not be included in any unit which includes employees other than management, confidential or supervisory.
- G. Law enforcement personnel consisting of peace officers as defined in the Penal Code, may be included in a unit or units consisting solely of such employees.
- H. No single classification of county employee shall be included in more than one representation unit, with the exception of management personnel and confidential employees.

*(Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.17)*

### **3.12.190 - Representation units—Establishment request.**

Employees or employee organizations may request of the management representative the establishment of a particular representation unit by listing classifications and positions to be included. This request must be accompanied by proof of employee approval of at least thirty percent of the full or part-time regular employees in the proposed unit.

*(Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.18)*

### **3.12.200 - Representation unit—Request notice.**

Upon verifying the material submitted as provided for in Sections 3.12.190 and 3.12.250, proof of employee approval, the management representative shall give written notice of the request to all registered and certified employee organizations. Additionally, he shall post notice of the request in a place to which employees of the proposed unit will have access.

*(Ord. 618, § 3, 1980; Ord. 548, § 1, 1973; prior code, § 193.19)*

### **3.12.210 - Representation unit—Challenges.**

Within thirty days of the date the notice to employees is posted, other employee organizations may challenge the appropriateness of the requested representation unit and request a modified unit. The challenge shall be filed with the management representative and must be accompanied with proof that the challenging employee organization represents at least thirty percent of the employees within such proposed modified unit. If a challenge is filed, the management representative shall notify the employee organization which submitted the original report for the new unit and that organization shall have seven days within which it may amend or withdraw its request prior to the filing of the matter with the commission.

*(Ord 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.20.)*

### **3.12.220 - Hearing of challenges.**

If the challenge is not resolved by amendment or withdrawal, the management representative shall call for a hearing before the commission. The commission shall conduct a hearing at which the parties shall present testimony in support of the original request or the challenge and recommendations from the management representative shall be heard. Following the hearing, the commission shall either formally establish, modify or deny the representation unit.

*(Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.21)*

### **3.12.230 - Procedures in the absence of challenge.**

- A. If the management representative determines that the proposed representation unit is appropriate, and no challenge as provided in Section 3.12.210 is filed, he shall recommend to the commission that the unit be established.
- B. If the management representative determines that the requested representation unit is not appropriate, he shall notify the employee organization which requested the unit of his determination and the reason therefor, in writing. The employee organization may, within seven days, modify its request or request the management representative to arrange a hearing before the commission on its original request for their action in approving or denying the establishment of the requested unit.
- C. The commission shall in no event establish a unit consisting of less than five percent of the total county employees without holding a hearing to determine whether or not the proposed unit in fact consists of the largest feasible group of employees having an identifiable community of interests.

*(Ord. 581, § 5, 1976; Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.22)*

### **3.12.240 - Modification of representation units.**

- A. General. Any classification moved from one representation unit to another shall continue to be covered by the terms and conditions of the memorandum of understanding of the former representation unit through its current expiration date. Subsequent to the expiration of the memorandum of understanding of the former

representation unit, either the county or the certified representative of the new representation unit may request to meet and confer on a successor agreement.

- B. **Represented Employees-Contested Modification.** Where a certified or registered employee organization requests the modification of a representation unit and any party of interest to the proposed modification contests the proposal, the commission shall consider the proposed modification only after proof of employee approval by at least thirty percent of the employees in classifications to be affected by the modification has been submitted during a one-calendar-month-period either twelve months from the date of original unit determination, or beginning seven full calendar months prior to the expiration date of the representation unit's memorandum of understanding, or during the period where the memorandum of understanding has expired and there is no successor memorandum or agree to extension or the current memorandum, whichever occurs later. Where the county requests the modification of a representation unit and any party of interest to the proposed modification contests it, the commission shall also only consider the proposal during a one-calendar-month-period either twelve months from the date of original unit determination or beginning seven full calendar months prior to the expiration date of the representation unit's memorandum of understanding, or during the period where the memorandum of understanding, has expired and there is no successor memorandum or agreed-to extension of the current memorandum, whichever occurs later. The same unit determination procedures shall be followed for any unit modification under this subsection as for the initial establishment of a representation unit. Where the commission approves the establishment of a new representation unit, election procedures for determination of a majority representative specified in Sections 3.12.250 to 3.12.310, inclusive, shall apply.
- C. **Represented Employees-Uncontested Modification.** Where the county or a certified or registered employee organization requests the modification of a representation unit and no party of interest contests the proposed modification, the commission shall consider the proposal at any time except from the time proposals for a successor memorandum of understanding for the current representation unit have been exchanged to the expiration date of the current memorandum of understanding. A certified or registered organization wishing to request such modification must submit proof of employee approval of thirty percent of the employees in the affected classifications. The same unit determination procedures shall be followed for any unit modification under this subsection as for the initial establishment of a representation unit. Where the commission approves the establishment of a new representation unit, election procedures for determination of a majority representative specified in Sections 3.12.250 to 3.12.310, inclusive shall apply.
- D. **Unrepresented Employees-Proposed Addition to Existing Representation Unit.** Where the county or a certified or registered employee organization requests the addition of a classification or classifications currently unrepresented into an existing representation unit, the commission shall consider the proposal at any time except that any party of interest may request a postponement of the commission's consideration if the proposed addition of classes will adversely affect the progress of any meet-and-confer sessions for the representation unit which are proceeding at that time. A certified or registered organization wishing to request such modification must submit proof of employee approval of thirty percent of the employees in the affected classifications. The same unit determination procedures shall be followed for any unit modification under this subsection as for the initial establishment of a representation unit. Where the commission approves a unit modification pursuant to this section, either the county or the certified representative of the representation unit may request to meet and confer solely on the subject of salaries for the newly included classifications.

(Ord. 618, § 4, 1980; Ord. 548-A-2, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.23)

**3.12.250 - Employee organization—Certification petition.**

- A. A registered employee organization which seeks to become a certified employee organization shall file a petition for certification accompanied by proof of employee approval of at least thirty percent of the employees in permanent positions within the proposed or existing representation unit who desire the petitioning employee organization to be their sole representative.
- B. Proof of employee approval means that the employee organization submitting a petition to the county management representative has demonstrated proof of approval by the employees whom it claims to represent by means of any one or any combination of the following:
1. Signed and dated signatures on a petition;
  2. Signed and dated employee authorization cards;

provided, however, that no petition or authorization card may be used as proof of employee approval unless it specifically provides that the intent of the signer is to secure certification for the organization named therein. For purposes of subdivision 1 of this subsection, only signatures of employees whose signatures have been executed within sixty calendar days prior to the date the petition for certification is filed shall be accepted as proof of employee approval. In the instance of an employee designating more than one representative through either of the above mechanisms, a written notice shall be sent to that employee by the county's management representative requesting that the employee designate only one within ten calendar days.

*(Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.24)*

**3.12.270 - Employee approval failure—Election.**

If the proof of employee approval is less than that specified in Section 3.12.260, the management representative shall arrange for a secret ballot election within the representation unit, to be conducted in accordance with the rules of the state conciliation service. Employees permitted to vote will be those in the representation unit who are employed in permanent positions and who were employed in those positions at least two pay periods preceding the date of the secret ballot election.

*(Ord. 548, § 1, 1973; prior code, § 193.26)*

**3.12.280 - Election—Organizations on ballot.**

In an election, the names of the petitioning organization and of any other registered employee organizations which submit proof of employee approval of at least ten percent of the employees in the representation unit shall appear on the ballot together with the choice of "No Organization."

*(Ord. 548, § 1, 1973; prior code, § 193.27)*

**3.12.290 - Election—Cost.**

The cost of conducting an election shall be borne by the county.

*(Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.28)*

**3.12.300 - Certification following election.**

The commission shall certify as a certified employee organization, that organization, if any, receiving a majority of ballots cast in a valid election. In the event that a majority of such ballots cast is for no organization, the commission shall certify that no certified employee organization represents the employees within the representation unit. If none of the choices on the ballot receives a majority of the ballots cast, a runoff election shall be held

between the choices receiving the two highest numbers of votes. The commission shall certify as the certified employee organization for the representation unit, the choice receiving the majority vote in a valid runoff election or shall certify that no certified employee organization represents the employees within the representation unit.

*(Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.29)*

### **3.12.310 - Unfair election practices.**

Unfair practices charges made during an election shall be submitted to the commission for determination.

*(Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.30)*

### **3.12.320 - Certified employee organization rights.**

Upon request, a certified employee organization shall have the right to meet and confer in good faith with appropriate levels of county management regarding wages, hours, and other terms and conditions of employment for its representation unit, within the scope of representation.

*(Ord. 548, § 1, 1973; prior code, § 193.31)*

### **3.12.330 - Scope of representation.**

The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours and other terms and conditions of employment, except, however, that the scope of representation shall not include the consideration of the areas enumerated as exclusive county rights in Section 3.12.060. A certified employee organization shall have the right to represent all employees included in a unit the organization represents. The certified employee organization shall be given the opportunity to be represented at formal discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting working conditions of employees in the representation unit.

*(Ord. 548, § 1, 1973; prior code, § 193.32)*

### **3.12.340 - Advance notice—Proposed actions.**

Except in cases of emergency, each certified employee organization affected shall be given reasonable written notice of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the county and shall be given the opportunity to meet with the appropriate management representatives prior to adoption. For the purposes of such notification, the published agenda of the board of supervisors, the board of retirement and the civil service commission will suffice for notice of proposed actions by those bodies. This form of notification, however, will not be deemed sufficient where the agenda item is so phrased as to not indicate the full and true nature of the matter to be considered. In cases of emergency when county management determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with the certified employee organization, county management shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such a measure. It is the obligation of the certified employee organization to provide the management representative with the name and mailing address of the organization's representative who is to receive all notices together with the local street address to which notices may be delivered.

*(Ord. 548, § 1, 1973; prior code, § 193.33)*

**3.12.350 - Representatives—Meeting attendance.**

Certified employee organizations may have a reasonable number of employees who serve as official representatives released from work without loss of compensation when meeting and conferring with management representatives where matters within the scope of representation are being considered. Such certified employee organizations shall submit a list of such employees including their titles and departments to the management representative and departments concerned in advance of the meeting. The use of county time for this purpose shall not be excessive, nor shall it interfere with the performance of county services as determined by the county.

*(Ord. 548, § 1, 1973; prior code, § 193.34)*

**3.12.360 - Representatives—Access to employees.**

- A. Authorized representatives of certified employee organizations shall be allowed reasonable access to employees of the unit at their work locations during the working hours of the employee concerned for the purpose of processing grievances provided that the work of the employee and the service to the public are not unduly impaired. The authorized representative shall give advance notice to the department head or his designated representative when contacting departmental employees during the duty period of the employees.
- B. Solicitation for membership or other internal employee organization business or campaigning shall only be conducted during the nonduty hours of all employees concerned.

*(Ord. 548, § 1, 1973; prior code, § 193.35)*

**3.12.370 - Employee organization—County facilities use.**

County facilities shall be available to certified employee organizations as follows:

- A. County Buildings. Certified employee organizations may be granted the use of county facilities for meetings composed of county employees provided such meetings are held outside regularly scheduled working hours for the group which is meeting and provided space can be made available without interfering with county needs. Certified employee organizations desiring the use of county facilities for such meetings shall obtain the permission of the delegated county official for use of such facilities.
- B. Bulletin Boards. Space shall be made available to certified employee organizations for locating bulletin boards within the county only at such facilities where the certified employee organization has members and provided such use does not interfere with the needs of the various departments. Notices shall be dated and shall identify the certified employee organization representative responsible for their issuance. The employee organizations will be responsible for insuring that material posted is of current interest and that out-of-date material is removed in a timely manner. The county, through the management representative, reserves the right to remove materials out-of-date or not within the scope of representation after consultation with the employee organization which posted it.

*(Ord. 548, § 1, 1973; prior code, § 193.36)*

**3.12.380 - Employee payroll deductions.**

- A. A certified employee organization shall have the exclusive right among employee organizations to payroll deduction for its members in any representation unit for which it is the duly certified representative. Regular dues and employee benefit program costs may be deducted from the employee's individual paycheck, provided, however, that existing county equipment can handle the additional deductions. Payroll deductions shall be made only upon the revocable written authorization of the individual employee.

- B. Where a certified representative is a joint council consisting of two or more registered organizations, the joint council may request that deductions be made to the designated registered organizations in accordance with their respective dues structures.

*(Ord. 548-A-2, § 2, 1974; Ord. 548, § 1, 1973; prior code, § 193.37)*

### **3.12.390 - Decertification.**

A request for decertification of a certified employee organization or for certification of an employee organization other than that organization currently certified, must be accompanied by proof of employee approval of at least thirty percent of the employees within the representation unit. The commission may also initiate a decertification proceeding because of substantial changes in county functions, organizational structure or job classifications within the unit. Proceedings under this section shall not be instituted sooner than one year following certification of an employee organization as the exclusive representative for a unit. Thereafter such petitions may only be filed during a one-calendar-month-period beginning seven full calendar months prior to the expiration date of the representation unit's memorandum of understanding, or during the period where the memorandum of understanding has expired and there is no successor memorandum or agreed-to extension of the current memorandum.

*(Ord. 618, § 5, 1980; Ord. 548-A-2, § 3, 1974; Ord. 548-A-1, § 1, 1974; Ord. 548, § 1, 1973; prior code, § 193.50)*

### **3.12.400 - Impasse—Used when.**

Impasse procedures shall be used only when all other attempts at reaching an agreement through meeting and conferring in good faith have been unsuccessful. When an impasse has been reached, the parties may mutually agree to request the assistance of a mediator from the California State Conciliation Service or any other source mutually agreed upon. All mediation shall be private. The mediator shall make no public recommendations or take any public position concerning the issues.

*(Ord. 548, § 1, 1973; prior code, § 193.60)*

### **3.12.410 - Impasse—Fact finding.**

If an impasse continues after mediation, if any, the parties may mutually agree to use fact finding only where factual matters are in dispute. If fact finding is used, the following shall apply:

- A. The parties shall instruct the fact finder on the specific facts they want ascertained;
- B. The fact finder's findings initially shall be confidential, without recommendation, and shall be submitted directly to the parties concerned;
- C. The parties shall attempt to reach an agreement by meeting and conferring in good faith on the basis of the fact finder's findings;
- D. If the parties have not reached an agreement after seven days, or a mutually agreed later date, they shall submit their positions on the unresolved issues with a copy of the fact finder's findings to the county board of supervisors.

*(Ord. 548, § 1, 1973; prior code, § 193.61)*

### **3.12.420 - Mediation—Cost.**

The cost of mediation and fact-finding proceedings shall be borne equally among all parties involved.

*(Ord. 548, § 1, 1973; prior code, § 193.62)*

**3.12.430 - Unfair employee relations practices—County.**

It shall be unfair employee relations practice for the county to:

- A. Interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this chapter;
- B. Dominate or interfere with the formation of any employee organization or contribute financial support to it provided that the county may permit the use of county facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with county officials during working hours without loss of time or pay, subject to applicable regulations;
- C. Refuse to meet and confer with representatives of certified employee organizations on matters within the scope of representation during the periods prescribed by this chapter;
- D. Refuse or fail to cooperate with any duly designated mediators or fact-finders;
- E. Violate any section of this chapter.

*(Ord. 618, § 6, 1980; Ord. 548, § 1, 1973; prior code, § 193.70)*

**3.12.440 - Unfair employee relations practices—Employees, organizations or agents.**

It shall be unfair employee relations practice for employees or employee organizations or their agents to:

- A. Interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this chapter;
- B. Refuse to meet and confer with county officials on matters within the scope of representation when the employee organization involved has been recognized as the certified representative;
- C. Refuse or fail to cooperate with any duly designated mediators or fact-finders;
- D. Engage in a strike, slow-down or work stoppage of any kind against the county;
- E. Violate any section of this chapter.

*(Ord. 618, § 7, 1980; Ord. 548, § 1, 1973; prior code, § 193.71)*

**3.12.450 - Violations.**

Charges of violations of Sections 3.12.430 or 3.12.440 may be initiated by a management representative, by a representative of a certified employee organization, or by an individual employee or group of employees. Such charges shall be filed in writing with the commission. Each charge so filed shall be processed in accordance with the rules and regulations of the commission.

- A. If the commission's decision is that the county has engaged in an unfair employee relations practice, the commission shall request of the county that it take appropriate corrective action.
- B. If the decision is that an employee(s) or employee organization or its agents, has engaged in an unfair employee relations practice, the commission shall request the offending party to take appropriate corrective action or, dependent upon the gravity of the violation, may elect to impose penalties, including but not limited to:
  1. Reduction of the percentage of petitioning employees required for decertification as provided for in Section 3.12.390; or
  2. Decertification of an employee organization.

*(Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.72)*



**3.12.460 - Appeals.**

Any action taken by the commission under Section 3.12.450 may be appealed to the board of supervisors.

*(Ord. 581, § 5, 1976; Ord. 548, § 1, 1973; prior code, § 193.73)*

**3.12.470 - Administration.**

The director of personnel services is designated as the county's management representative whose duty it shall be to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment in an attempt to reach agreement with representatives of certified employee organizations, and consult with registered employee organizations. The county's management representative is authorized to delegate these duties and responsibilities.

*(Ord. 01-014, § 3; Ord. 548, § 1, 1973; prior code, § 193.80)*

**3.12.480 - Rules and regulations.**

The county administrative officer is authorized to establish rules and procedures to carry out the intent of this chapter. He also has the authority for the administrative interpretation of this chapter. Interpretations made by the county administrative officer are subject to appeal to the county board of supervisors.

*(Ord. 548, § 1, 1973; prior code, § 193.81)*

**3.12.490 - Construction.**

- A. Nothing in this chapter shall be construed to deny any person, employee or employee organization the rights granted by federal and state laws.
- B. The rights, powers and authority of the board of supervisors and civil service commission and the rights of employee organizations in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.
- C. The provisions of this chapter are not intended to conflict with, nor shall they be construed in a manner inconsistent with, the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the state of California (Sections 3500 et seq.) as amended.

*(Ord. 548, § 1, 1973; prior code, § 193.85)*

# **EXHIBIT 4**



# County of Fresno

DEPARTMENT OF PERSONNEL SERVICES

BETH BANDY

DIRECTOR

DATE: December 23, 2014

TO: Impacted Department Heads  
All Registered and Certified Organizations

FROM: Carlos Cortes, Personnel Services Manager

SUBJECT: Petition for Decertification/Certification – Representation Unit 2

A valid petition has been filed by the Fresno County Public Safety Association (FCPSA) requesting the decertification of SEIU – Local 521 as the exclusive representative for Representation Unit 2 – Sheriff's and Probation Personnel. Additionally, FCPSA is requesting that it be certified as the exclusive representative for Unit 2. The following job classifications are included in this unit:

- Child Support Assistant
- Child Support Officer I/II/III/Senior
- Collections Officer
- Correctional Officer I/II/III/IV/Trainee
- Investigative Technician
- Juvenile Correctional Officer I/II/Senior
- Probation Technician I/II
- Process Server
- Program Technician I/II
- Security Officer I/II

In accordance with the Employee Relations Ordinance, department heads are required to post, until January 22, 2015, copies of this memorandum in places where employees represented by Unit 2 have access.

Additionally, any registered or certified organization wishing to be placed on the election ballot for the purpose of determining the exclusive representative for Unit 2 must submit a petition to Labor Relations accompanied by proof of employee approval (i.e. at least 10% of the employees in Unit 2) by Thursday, January 22, 2015. SEIU – Local 521, as the current certified representative, will be on any election ballot that may result from FCPSA's petition for decertification/certification.

If anyone has questions regarding this notice, please contact me at 600-1840.

cc: Beth Bandy, Director of Personnel Services

2220 Tulare Street 16<sup>th</sup> Floor, Fresno, California 93721  
FAX (559) 455-4791 [www.co.fresno.ca.us](http://www.co.fresno.ca.us)

Administration  
Employment Services  
Labor Relations

600-1800  
600-1830  
600-1840

Employee Benefits  
Employment Verification  
Risk Management

600-1810  
600-1820  
600-1850

Equal Employment Opportunity Employer

# **EXHIBIT 5**

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
BLYTHE MICKELSON  
BARRY F. HINALE  
CHRISTIAN L. RAISNER  
JAMES J. WESSER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. IKEDA  
LINDA BALEWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE T. YEN  
KRISTINAM ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOGUES  
KERRIANNE R. STEELE  
GARY P. PROVENCHER  
EZEKIEL D. CARDEH  
MONICA T. GUJAR  
SHARON A. SEIDENSTEIN  
L. SLR. DUNCAN

**WEINBERG, ROGER & ROSENFELD**  
**A Professional Corporation**  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501  
TELEPHONE (510) 337-1001  
FAX (510) 337-1023

JACOB J. WHITE  
SEAN D. GRAHAM  
JOLENE KRAMER  
STEPHANIE L. MARN  
ANTHONY J. TUCCI  
ROBERT E. SZYGMAY  
MICHAEL D. BURSTEIN  
NANCY C. HANNA

VINCENT A. HARRINGTON, Of Counsel  
PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel  
NINA FENDEL, Of Counsel

• Admitted in Hawaii  
•• Also admitted in Nevada  
••• Also admitted in Illinois  
•••• Also admitted in New York

January 20, 2015

***VIA EMAIL AND OVERNIGHT MAIL***

Mr. Carlos Cortes  
Personnel Services Manager  
Labor Relations  
County of Fresno  
2220 Tulare Street, 16th Floor  
Fresno, CA 93721

Mr. John Navarrette – *without enclosures*  
County Administrative Officer  
County Administrative Office  
County of Fresno  
2281 Tulare, Suite 304  
Fresno, CA 93721

**Re: Service Employees International Union, Local 521  
County of Fresno  
Challenging Petition in Response to Decertification Petition**

Dear Mr. Cortes and Mr. Navarrette:

As you know, we are attorneys for the Service Employees International Union, Local 521 (“SEIU Local 521”), which is the exclusive representative of employees in the County of Fresno (“County”) Bargaining Unit 2 (“Unit 2”).

We hereby submit a challenging petition on behalf of our client, in response to the Fresno County Public Safety Association’s (“FCPSA”) decertification petition. (Fresno County Ordinance section 3.12.210). SEIU Local 521 challenges the appropriateness of the representation unit the FCPSA has requested. SEIU Local 521 proposes that, instead, Unit 2 be modified to remove Sheriff’s Office employees. We believe that the Sheriff’s Office employees should be entitled to a bargaining unit of their own, comprised solely of employees from that department. In other words, we propose to place the following classifications in a new unit that is represented by SEIU Local 521:

- Correctional Officer Trainee
- Correctional Officer I
- Correctional Officer II
- Correctional Officer III
- Correctional Officer IV
- Process Server

In an abundance of caution, we have enclosed proof of employee approval of at least thirty percent (30%) of the full or part-time regular employees in the existing Unit 2, *as well as* proof of employee approval of at least thirty percent (30%) of the full or part-time regular employees in the petitioned-for unit that

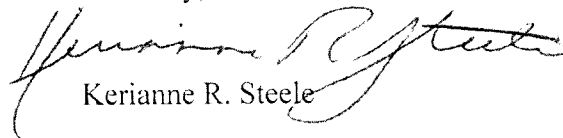
Mr. Carlos Cortes and Mr. John Navarrette  
January 20, 2015  
Page 2

would be comprised solely of Sheriff's Office employees. (Rule 3.12.210's phrase "within such proposed modified unit" is susceptible to more than one interpretation. So are the phrases "in classifications to be affected by the modification" and "in the affected classifications," which appear in Fresno County Ordinance section 3.12.240.) Our proof of employee approval takes the form of signed and dated employee authorization cards. (See Fresno County Ordinance section 3.12.250(B)(2).)<sup>1</sup>

We believe that the petitioned-for unit comprised solely of Sheriff's Office employees is the largest feasible group of employees having an identifiable community of interest.

You are prohibited from sharing the enclosed proof of employee approval with FCPSA, or with any other entity.

Please contact me immediately if you have questions regarding this challenging petition. Thank you.

Sincerely,  
  
Kerianne R. Steele

KRS:sm

opeiu 3 afl-cio(1)

Enclosures in overnight mail copy only:

Proof of Employee Approval – Correctional Officers classes and Process Servers

Proof of Employee Approval – all other Unit 2 classifications

cc: Beth Bandy, Director of Personnel Services (w/out enclosures)

Catherine Basham, Senior Deputy County Counsel (w/out enclosures)

137825/794703

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<sup>1</sup> We have redacted the employees' social security numbers.

# **EXHIBIT 6**



**EMPLOYEE AUTHORIZATION FOR PAYROLL DEDUCTION  
OF SEIU MEMBERSHIP OR SERVICE FEES:  
FOR SEIU-REPRESENTED EMPLOYEES OF**

654711  
County Use Only  
Date / Initials

COUNTY OF FRESNO or  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

[Redacted]		[Redacted]	
Name of Employee		Employee's Social Security Number (Optional)	
[Redacted]		[Redacted]	
Mailing Address		Job Class/Work Title BU#	
Fresno, CA		Juvenile Correctional Officer	
City and Zip Code		Employee's E-Mail Address (Optional)	
[Redacted]		[Redacted]	
Contact Phone	Employee Number	Work Location	Work Phone
[Redacted]	[Redacted]	[Redacted]	[Redacted]

**AS A CONDITION OF EMPLOYMENT, YOU MUST SELECT ONE OF THE FOLLOWING AND  
RETURN THIS FORM TO THE COUNTY OF FRESNO PAYROLL DEPARTMENT  
WITHIN (30) THIRTY WORKING DAYS.**

*(If this form is not completed properly and returned, the union shall notify your employer to commence  
and continue a payroll deduction equal to the service fee from your regular pay warrant.)*

(Please Check One)

☒ **UNION MEMBERSHIP.** Entitles employee to union representation in his/her employment relationship with the County of Fresno or the Superior Court of California, County of Fresno. Entitles the employee to full membership rights including the right to attend all meetings, hold office, and vote. Entitles the employee to full membership benefits.

☐ **SERVICE FEE.** Entitles employee to union representation in his/her employment relationship with the County of Fresno or the Superior Court of California, County of Fresno, in lieu of union membership. Does not entitle the employee to the rights and benefits of union membership. The amount can change based upon information provided to the employer by SEIU Local 521.

*An exception may be made if you are a member of a bona fide religious body or sect which has historically held conscientious objection to joining or financially supporting a public employee organization as per state law. If you believe you may qualify, you shall be permitted to make a charitable contribution equal to the service fee to one (1) of the entities identified on the "Claim for Religious Exemption" form (available from your union office).*

*I have read the foregoing and I hereby authorize the County of Fresno or the Superior Court of California, County of Fresno to deduct from my wages an amount to cover payment of membership or service fee, and pay over such fees to SEIU Local 521 representing my classification or, if eligible for a religious exemption, to an authorized charity. I consent to the adjustment of such fee to reflect any change as may hereafter be established by SEIU Local 521.*

[Redacted Signature]

Employee's Signature

9/6/11  
Date

Receipt of this copy shall constitute notice of your rights and responsibilities with respect to membership, agency fees, and initiation fees. Please return this application to the Payroll Department with the County of Fresno or to the Union Office.

To Be Completed by the Union	
Amount Deducted: _____	Union Authorization: _____
SEP 09 2011	





EMPLOYEE AUTHORIZATION FOR PAYROLL DEDUCTION  
OF SEIU MEMBERSHIP OR SERVICE FEES:  
FOR SEIU-REPRESENTED EMPLOYEES OF

COUNTY OF FRESNO

10804  
County Use Only  
Date / Initials

Name of Employee  
[Redacted]  
Mailing Address  
Fresno CA [Redacted]  
City and Zip Code  
[Redacted]  
Contact Phone [Redacted] Employee Number [Redacted]

[Redacted]  
Employee's Social Security Number (Optional)  
Child Support  
Job Class/Work Title BU # 02  
Employee's E-Mail Address (Optional)  
[Redacted]  
Work Location [Redacted] Work Phone [Redacted]

AS A CONDITION OF EMPLOYMENT, YOU MUST SELECT ONE OF THE FOLLOWING AND  
RETURN THIS FORM TO THE COUNTY OF FRESNO PAYROLL DEPARTMENT WITHIN  
(30) THIRTY WORKING DAYS.

(If this form is not completed properly and returned, the union shall notify your employer to commence and continue a  
payroll deduction equal to the service fee from your regular pay warrant.)

(Please Check One)

☐ **UNION MEMBERSHIP.** Entitles employee to union representation in his/her employment relationship with the County of Fresno. Entitles the employee to full membership rights including the right to attend all meetings, hold office, and vote. Entitles the employee to full membership benefits.

☒ **SERVICE FEE.** Entitles employee to union representation in his/her employment relationship with the County of Fresno, in lieu of union membership. Does not entitle the employee to the rights and benefits of union membership. The amount can change based upon information provided to the employer by SEIU Local 535.

An exception may be made if you are a member of a bona fide religious body or sect which has historically held conscientious objection to joining or financially supporting a public employee organization as per state law. If you believe you may qualify, you shall be permitted to make a charitable contribution equal to the service fee to one (1) of the entities identified on the "Claim for Religious Exemption" form (available from your union office).

I have read the foregoing and I hereby authorize the County of Fresno to deduct from my wages an amount to cover payment of membership or service fee, and pay over such fees to SEIU Local 535 representing my classification or, if eligible for a religious exemption, to an authorized charity. I consent to the adjustment of such fee to reflect any change as may hereafter be established by SEIU Local 535.

[Redacted Signature]  
Employee's Signature

7/21/10  
Date

Receipt of this copy shall constitute notice of your rights and responsibilities with respect to membership, agency fees, and initiation fees. Please return this application to the Payroll Department with the County of Fresno.

PROCESSED

To Be Completed by the Union

MAR 0 ' 2011

Amount Deducted: \_\_\_\_\_

Union Authorization: SEIU LOCAL 521

stopped union dues  
partici 025072

Rec'd  
CS21  
3-7-11



# SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 535

## MEMBERSHIP APPLICATION/PAYROLL AUTHORIZATION

69321

NAME [REDACTED]		SOCIAL SECURITY NUMBER [REDACTED]	
HOME ADDRESS [REDACTED]			
CITY FRESNO	STATE CA	ZIP CODE [REDACTED]	
HOME PHONE NUMBER [REDACTED]	WORK PHONE NUMBER ( ) EXT. [REDACTED]		
E-MAIL ADDRESS [REDACTED]		DATE OF BIRTH (MONTH/DAY/YEAR) [REDACTED]	
EMPLOYER/CHAPTER FRESNO CO. Sheriff		EMPLOYEE # [REDACTED]	
JOB CLASSIFICATION/TITLE Corrections officer (2)		WORK LOCATION [REDACTED]	
DEPARTMENT/UNIT JAIL		[REDACTED]	
DATE OF HIRE (MONTH/DAY/YEAR) [REDACTED]	ARE YOU A PER DIEM EMPLOYEE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SALARY \$ [REDACTED]

I hereby designate SEIU Local 535 to represent me, and, on my behalf, negotiate and conclude any and all agreements as to wages, hours, and other conditions of employment.

I hereby authorize my employer to deduct from my wages the amount of my dues, fees, or assessments and to disburse same to SEIU Local 535.

SIGNATURE: [REDACTED]

DATE: 6-5-05


CERTIFIED BY  
SEIU LOCAL 535

CERTIFIED BY  
SEIU LOCAL 535

1.7546  
Full member

COUNTY OF FRESNO  
EMPLOYEE REPRESENTATIVE AUTHORIZATION CARD

410000

NAME 	2. JOB TITLE <u>CORRECTIONAL OFFICER</u>	County Use Date/Initials
3. BARG UNIT <u>2</u>	4. DEPT. <u>Sail</u>	5. SOC. SEC. # <u>Redacted</u>
6. Pay Check Date To Begin/End Deduction _____		7. Amount <u>1.75<sup>00</sup></u>
		8. Rep. Auth. _____

CERTIFIED BY  
SEIU LOCAL 535

PLEASE READ

Most Fresno County Employees are represented by a union/association, which is certified under the Ordinance Code as exclusive representative. The County and these groups have agreed that each employee has the option to become or not become a member or pay a service fee. Therefore, check your choice under NO. 9 and 10 below.

9. STATUS (Check One)

☒ NEW  
☐ CANCEL  
☐ CHANGE

10. DEDUCTION OPTIONS (Check One)

☒  
☐  
☐



- I choose to become a member  
I choose NOT to become a member or pay a service fee  
I elect to pay a service fee

COMPLETE BOTH SIDES OF THIS CARD

FCAC-58 (5/97)

1. ADDRESS (Check One)

☒ The County MAY release my address to my union/association. (It will be released to no one else).

 FRESNO CA   
City State ZIP

PRINT ADDRESS

☐ The County may NOT release my address.

CERTIFIED BY  
SEIU LOCAL 535

he certified exclusive employee representative for this unit is: \_\_\_\_\_

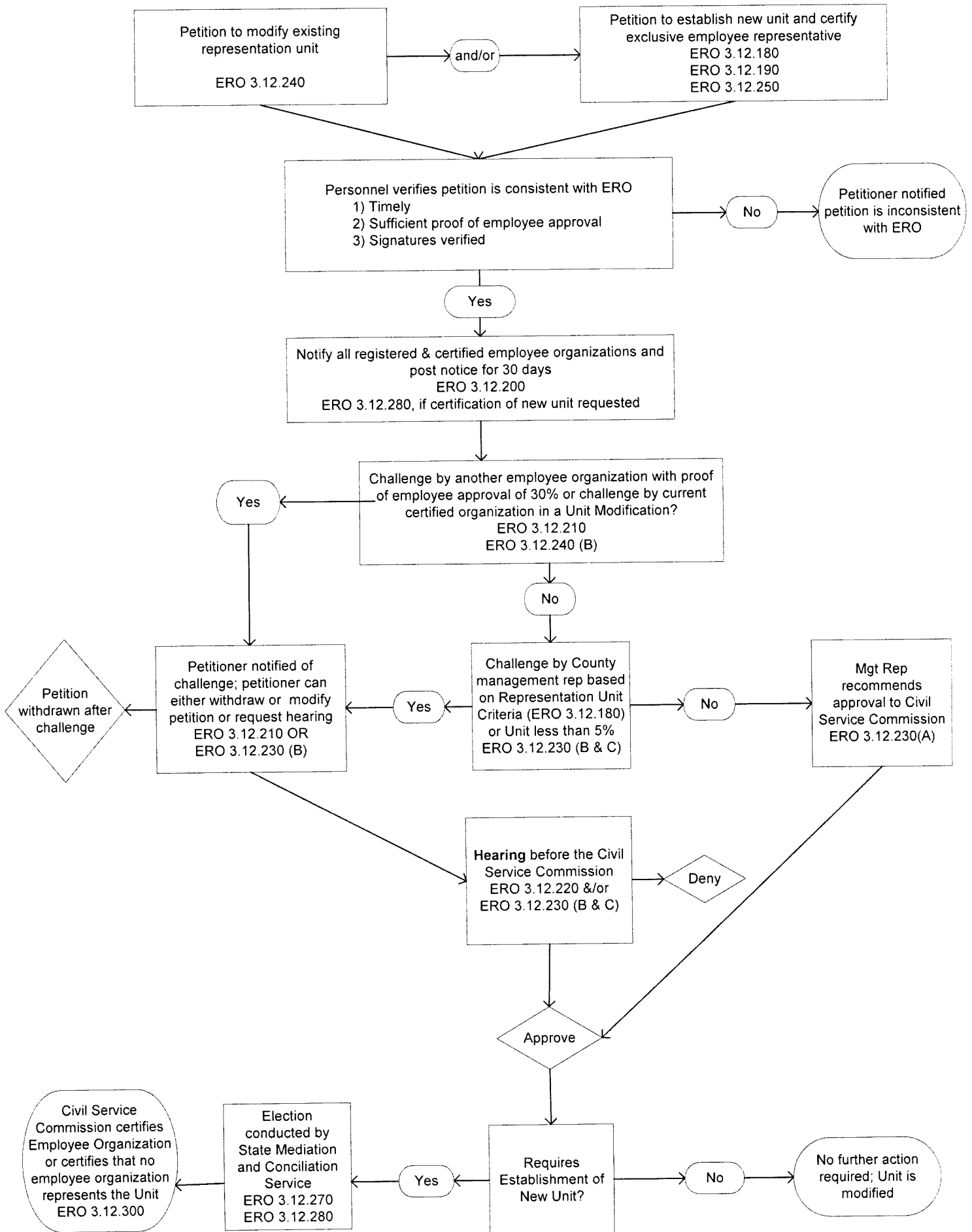
IMPORTANT – PLEASE READ THE FOLLOWING PARAGRAPH BEFORE SIGNING BELOW.

understand that, if I have opted to become a member, my signature below authorizes the deduction of any amounts voted for pursuant to the provisions of my organization's constitution or bylaws at a general membership meeting and certified by the resident of the organization and this authorization shall remain in full force and effect until the withdrawal period specified in the Memorandum of Understanding for my job class and after being rescinded by me on the proper card.

3-19-02   
Date Signature

# **EXHIBIT 7**

# Unit Determination Pursuant to ERO



# **EXHIBIT 8**

# Decertification/Certification of an Established Representation Unit

